

Notice of Allowability

Applicants' amendment of 11/11/2010 is acknowledged and entered.

Claims 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 60, 91, 95, 96, 98, 100, 102 to 104, 106, 108 to 112, 126, 131, 141, 146, 162 to 164, 173, 175 to 178, 180, 181, 187, 189, 197, 200 to 206, 210 to 211, 213, 221 and 224 are pending.

Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement between group 278 and 2093 inventions (products and method of use of product), as set forth in the Office action mailed on, 10/05/09 is hereby withdrawn and claims 108-109, 111-112, , 173, 178, 181, 187, 189, , 203, 210 and 213 hereby rejoined. and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, and 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

In a telephone conversation with Brian W. Siddons on 1/13/2011, an agreement was reached to amend claims 60, 173, 189 and 223, and cancel claims 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 98, 100, 102-104, 106, 110, 126, 131, 141, 146, 164, 197, 205-206, and 222 to place the application in condition for allowance.

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Claims 60, 91, 96, 108-109, 111-112, 162-163, 173, 175-178, 180-181, 187, 189, 200-204, 210-211, 213, 221 and 223-224 will be allowed.

Examiner's Amendment

An informal Examiner's amendment to the specification appears below. This amendment is to update the current status of the prior application indicated in the first sentence of the specification.

Please amend the first sentence of the specification as follows:

This application is a 371 of PCT/US04/21492, filed 07/02/2004 which claims benefit of 60/484,725, filed 07/02/2003.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Brian W. Siddons on 1/13/2011.

Please cancel claims 1, 27, 31, 34, 39 to 42, 45, 48, 50, 52, 54, 56, 57, 59, 98, 100, 102-104, 106, 110, 126, 131, 141, 146, 164, 197, 205-206, and 222.

Please amend claims 60, 173, 189 and 223 as follows:

Claim 60 lines 36 replace – “(v) the amino acid sequence of (i), (ii), (iii), (iv) or (v)”
- with – “(v) the amino acid sequence of (i), (ii), (iii) or (iv)”-.

Claim 173 lines 4-5, - replace “of claim 60, or a polypeptide encoded by the nucleic acid of claim 1”; - with- “of claim 60;-

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Claim 189 line 8, - replace of claim 60, or a polypeptide encoded by the nucleic acid of claim 1; - with- of claim 60”;-

Claim 223 lines 1 replace –“an amino acid”- with –“the amino acid”-.

The following is an examiner’s statement of reasons for allowance:

Applicants’ have made novel protein comprising SEQ ID NO: 38 having glucanase activity. The prior art does not disclose or suggest said protein comprising SEQ ID NO: 38 having glucanase activity. As such, the protein comprising SEQ ID NO: 38 and method of its use are novel and non-obvious. Thus, Claims 60, 91, 96, 108-109, 111-112, 162-163, 173, 175-178, 180-181, 187, 189, 200-204, 210-211, 213, 221 and 223-224 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Younus Meah
Examiner, Art Unit 1652

/Tekchand Saidha/
Primary Examiner, Art Unit 1652